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HUMAN RIGHTS COMMITTEE

Fifty-first session

SUMMARY RECORD OF THE SECOND PART (PUBLIC)* OF THE 1356th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 28 July 1994, at 3 p.m.

Chairman: Mr. ANDO

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* The summary record of the first part (closed) of the meeting appears as document CCPR/C/SR.1356.

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The public part of the meeting was called to order at 4.25 p.m.

ANNUAL REPORT OF THE COMMITTEE TO THE GENERAL ASSEMBLY THROUGH THE ECONOMIC AND SOCIAL COUNCIL UNDER ARTICLE 45 OF THE COVENANT AND ARTICLE 6 OF THE OPTIONAL PROTOCOL (agenda item 6)

1. The CHAIRMAN invited the Committee to consider the draft annual report of the Committee to the General Assembly which comprised several documents (CCPR/C/51/CRP.1 and addenda and CRP.2 and addenda) corresponding to the various chapters. Given the fact that the Committee's deliberations had not been covered by summary records during the forty-ninth session, the Committee had decided that only the comments it had adopted after considering the reports of the States parties, and not its deliberations, would appear in the annual report. He invited the Committee to consider the draft report chapter by chapter.

2. Mrs. HIGGINS requested that chapter IV should be placed after chapter XII, following the order of importance of the issues dealt with.

3. The CHAIRMAN said that note would be taken of that observation and invited members to consider chapter I entitled "Organizational and other matters" (CCPR/C/51/CRP.1), which would be introduced by Mr. Aguilar Urbina, Rapporteur.

Chapter I (CCPR/C/51/CRP.1)

4. Mr. AGUILAR URBINA (Rapporteur) drew the Committee's attention to paragraph 26; that passage, which had been left blank, would be replaced by the text of two paragraphs, numbered 26 and 27, which had been distributed in English only to the members of the Committee.

5. Mr. TISTOUNET (Secretary of the Committee) said that, in addition to the text of paragraph 26 and that of the new paragraph 27 to be inserted in document CCPR/C/51/CRP.1, members also had before them a two-part document without a symbol which the secretariat had received from the Permanent Mission of Mexico under cover of a note verbale dated 18 July 1994. The first part contained the written replies of the Mexican delegation to questions raised by Mr. Wennergren and Mr. Herndl when the Committee had been considering the report of Mexico in March 1994 and which, according to the delegation, had not been answered in an appropriate manner. The second part of the document contained comments transmitted by the Permanent Mission of Mexico on a number of issues raised in the Committee's comments on the Mexican report. For the moment, that document existed only in Spanish.

6. The Committee could decide to have the two parts of that document reproduced in two forms. Firstly, the written replies to the questions, which constituted supplementary information, could be issued as an addendum to the third periodic report of Mexico. Secondly, the comments of the Mexican delegation on the Committee's observations could be issued in a separate document in the series of Committee documents, as had already been done in the case of the comments of Senegal.

7. Mr. MAVROMMATIS requested that that document should first be translated, after which the Committee would decide on the form in which it should be reproduced.

8. The CHAIRMAN said that the Committee would take a decision on that document when it had been translated into all the working languages.

9. It was so decided.

10. The CHAIRMAN invited the Committee to consider and adopt chapter I of the draft report (CCPR/C/51/CRP.1).

Paragraph 1

11. Mr. POCAR said that the words "or succeeded" should be added after "acceded" in the second line of the first sentence.

12. Paragraph 1, as amended, was adopted.

Paragraphs 2-4

13. Paragraphs 2-4 were adopted.

Paragraph 5

14. Paragraph 5 was adopted.

Paragraphs 6-8

15. Ms. EVATT pointed out that Mr. Herndl's name should be included in the final sentence of paragraph 8.

16. Paragraphs 6-8, as amended, were adopted.

Paragraph 9

17. Paragraph 9 was adopted.

Paragraphs 10-12

18. Paragraphs 10-12 were adopted.

Paragraphs 13-17

19. Mrs. CHANET pointed out that paragraph 14 and paragraph 17 were introduced by the same heading, "Summary records of the forty-ninth session", which was repeated. In her view, the paragraphs should be merged. The last sentence of paragraph 17, which stated that the Committee had agreed that the summary records of the work of the forty-ninth session would, on an exceptional basis, be prepared in English only, did not seem to reflect the actual situation. In her opinion, the two paragraphs concerning the summary

records should be merged into a single paragraph, in which it would be clearly stated that the measure taken was a quite exceptional one which the Committee regretted.

20. Mr. AGUILAR URBINA (Rapporteur) explained that the two paragraphs had been separated, one appearing under the heading "Forty-ninth session" and the other under the heading "Fiftieth session", since it was at the fiftieth session that the Committee had been informed that the summary records of its forty-ninth session would be prepared in English only on the basis of tape recordings.

21. Mr. PRADO VALLEJO requested that the third sentence of paragraph 14 should be deleted, since he had no recollection of the Committee taking a formal decision to that effect.

22. Mr. POCAR supported Mr. Prado Vallejo.

23. Mr. AGUILAR URBINA (Rapporteur) said that the sentence would be deleted.

24. Mrs. HIGGINS said it should be clearly stated that the Committee had not "agreed" that the summary records of its forty-ninth session should be prepared in English only; that measure had been imposed on it. The sentence in question should therefore be amended to say simply that the Committee had been informed of the fact that the summary records would be prepared in English only.

25. Mr. MAVROMMATIS proposed that paragraphs 14 and 17 should be merged.

26. Mr. PRADO VALLEJO proposed that the phrase "entre otras cosas" in paragraph 15 of the Spanish version should be replaced by "entre otras competencias".

27. The CHAIRMAN, replying to a question by Mr. Lallah, confirmed that the final sentence of paragraph 17 should read: "The Committee was informed that, in view of the cost incurred, the summary records would, on an exceptional basis, be prepared in English only".

28. Paragraphs 13-25 were adopted, with the various proposed amendments.

Paragraph 26

29. Mr. AGUILAR URBINA (Rapporteur) introduced a document without a symbol containing paragraph 26 of chapter I and a new section entitled "G. Staff resources". The insertion of that new section, comprising a new paragraph 27, would modify the sequence of the sections and the paragraph numbering.

30. Mr. LALLAH inquired whether the Rapporteur recalled that the Committee had expressed its firm determination to issue the third volume of the cases considered in accordance with the provisions of the Additional Protocol.

31. Mrs. HIGGINS expressed the hope that the secretariat would verify that point and, if necessary, mention it in the annual report.

32. Paragraph 26 was adopted, together with new paragraph 27, with Mrs. Higgins' proposed amendment.

Paragraphs 28 and 29 (former paras. 27 and 28)

33. Mr. POCAR queried the Committee's "satisfaction" with the level of interest in its activities shown by the media. He proposed that the second sentence in new paragraph 28 (formerly 27) should be amended in order to make a distinction between the interest taken in the Committee's activities by the media, on the one hand, and by NGOs, on the other.

34. He also proposed that the sentence "In the light of the existing resources, the Committee reiterated its view that the publication of the Yearbook should be accelerated" should be added to new paragraph 29 (formerly 28).

35. Mr. AGUILAR URBINA pointed out, in connection with new paragraph 28 (formerly 27), that much could be said about the attitude of the media, particularly in connection with the public meeting relating to the question of the execution of Mr. Ashby. Although the persons responsible for briefing the press at the United Nations had duly done their work, no journalist had attended the meeting. He therefore proposed that the second sentence of new paragraph 28 should be replaced by the following text: "The Committee noted with satisfaction the level of interest in its activities shown by non-governmental organizations, but is concerned by the lack of support for its work shown by the media".

36. New paragraphs 28 and 29 (formerly 27 and 28) were adopted, with the proposed amendments of Mr. Pocar and Mr. Aguilar Urbina.

Paragraph 30 (former para. 29)

37. New paragraph 30 was adopted.

38. Chapter I, as a whole, as amended, was adopted.

Chapter II (CCPR/C/51/CRP.1/Add.1)

39. Mr. AGUILAR URBINA (Rapporteur) introduced chapter II (Action by the General Assembly at its forty-eighth session).

40. Chapter II, as a whole, was adopted.

Chapter III (CCPR/C/51/CRP.1/Add.2)

41. Mr. AGUILAR URBINA (Rapporteur) introduced chapter III, relating to the way in which the Committee's working methods had changed in recent years.

Paragraphs 1 and 2

42. Paragraphs 1 and 2 were adopted.

Paragraphs 3-5

43. Mr. POCAR proposed that the word "second" should be added before "periodic reports" in the first sentence of paragraph 3 and that the words at the end of the second sentence of the same paragraph ("with the Committee's approval") should be deleted. He further proposed that "issues" should be replaced by "chapters" in the penultimate sentence.

44. He proposed that in paragraph 5 the end of the sentence should be deleted (words following "more concise and precise").

45. Paragraphs 3-5 were adopted, with Mr. Pocar's proposed amendments.

Paragraphs 6-9

46. Mr. POCAR proposed that "on the day before the closure of the session" should be replaced by "at the end of the session" in the last sentence of paragraph 6. He further proposed that the second part of the second sentence of paragraph 7 should be deleted (words following "State party concerned").

47. Paragraphs 6-9 were adopted, with Mr. Pocar's proposed amendments.

Paragraphs 10-12

48. Mr. POCAR considered that it should be stated, after the first sentence of paragraph 11, that the procedure in question was already being applied.

49. Paragraphs 10-12 were adopted, with Mr. Pocar's proposed amendment.

Paragraphs 13 and 14

50. Mr. WENNERGREN considered that the wording of the first sentence of paragraph 14 was inaccurate, since that paragraph related to the implementation of the Covenant not in "former States parties to the Covenant", but in the new States that had constituted parts of former States parties to the Covenant.

51. Mrs. HIGGINS proposed that the first part of the second sentence of paragraph 14 should be replaced by the following text: It considered that all the peoples within the territory of a new State that had constituted part of a former State party to the Covenant remained entitled ...".

52. Mr. WENNERGREN pointed out that that change should also apply to the heading of section D.

53. The heading of section D, together with paragraphs 13 and 14, were adopted, with Mrs. Higgins' proposed amendment.

Paragraph 15

54. Mrs. HIGGINS requested the insertion of the words "to clarify the requirements of the Covenant" after the words "to suggest improvements in the reporting procedure" in the sentence listing the aims of the general comments.

55. Mr. POCAR proposed that the words "or issues arising from the Covenant" should be inserted after the words "selected articles of" in the first sentence. The penultimate sentence in the paragraph, which implied that the general comments would be drawn up by the Working Group, should be deleted.

56. Paragraph 15 was adopted, with the proposed amendments of Mrs. Higgins and Mr. Pocar.

Paragraphs 16-20

57. Paragraphs 16-20 were adopted.

Paragraph 21

58. The CHAIRMAN drew attention to an error in the heading of section G, of which paragraph 21 formed part: "25" should be replaced by "45".

59. Mr. POCAR suggested that the word "comment" in the last sentence of the paragraph should be put in the plural and that "of the Committee" should be inserted after the last word of that sentence.

60. Mr. LALLAH proposed that the word "henceforth" in the first sentence of the paragraph should be replaced by the words "for the time being". The word "henceforth" should also be deleted from the final sentence.

61. Mr. AGUILAR URBINA (Rapporteur) recalled that, at the beginning of the present session, the Committee had decided to modify the way overdue reports of States parties were referred to, and to no longer reproduce the agenda in an annex. He proposed that those two decisions should be noted in paragraph 21.

62. Paragraph 21 was adopted, with the proposed amendments of Mr. Pocar, Mr. Lallah and Mr. Aguilar Urbina.

63. Chapter III, as a whole, as amended, was adopted.

Chapter IV (CCPR/C/51/CRP.1/Add.3)

64. Mrs. HIGGINS considered that the wording of that chapter did not properly reflect the Committee's decision concerning the late submission of reports of States parties or the lack of cooperation by certain States. In her view, the Committee must give effect to its decision, in order to get the States parties concerned to mend their ways. Accordingly, chapter IV might be retained, but its section A could be incorporated in a new chapter V devoted to the question of States parties which had seriously defaulted on their obligations under the Covenant and the Optional Protocol. That new chapter V should also include the relevant parts of chapter VIII (Follow-up activities). Finally, typographical fonts (size of characters, etc.) could be used to highlight the Committee's concern.

65. Mr. MAVROMMATIS said that, if he remembered correctly, the decision on that subject had been taken at the beginning of the present session. It would therefore be preferable merely to announce it in the present annual report and to make the corresponding amendments only in the next annual report.

66. Mr. POCAR considered that there was no reason why the Committee could not add to its present annual report a new chapter V devoted to the question of States that had seriously defaulted on their obligations. He drew attention to the tenor of paragraph 9 of chapter IV, which, in a way, constituted a very good "introduction" to that new chapter. With regard to paragraph 9, he proposed that "dresser" should be replaced by "faire ressortir" in the French text and that the word "following" should be deleted in the English text. Finally, a sentence mentioning the tenor of the new chapter V should be added.

67. Chapter IV was adopted, with the proposed amendments of Mrs. Higgins and Mr. Pocar.

Chapter V (CCPR/C/51/CRP.1/Add.4)

68. Mr. AGUILAR URBINA (Rapporteur) proposed that, at the end of the chapter, which would become chapter VI in accordance with the decision that had just been taken, a paragraph should be added concerning the situation with regard to the consideration of the second periodic report of the Libyan Arab Jamahiriya.

69. The CHAIRMAN proposed that the names of the States parties appearing as headings should be highlighted more effectively so that the reader could more easily find those of interest to him. In paragraph 83, "25 and 26 March" should be replaced by "24 and 25 March".

70. Chapter V (renumbered chapter VI) was adopted, with the proposed amendments of Mr. Aguilar Urbina and the Chairman.

Chapter VI (CCPR/C/51/CRP.1/Add.6)

71. Mr. AGUILAR URBINA (Rapporteur) proposed that paragraph 2 of that chapter (renumbered chapter VII) should be deleted and that the following two new paragraphs (which would become paragraphs 2 and 3 respectively) should be added:

> "2. At its fifty-first session, the Committee noted that a draft general comment on article 25 of the Covenant had been submitted to it by its working group.
>
> 3. At the same session, the Committee noted that an open-ended working group composed of members of the pre-sessional working group on article 40 and other members who wished to express their opinion had begun consideration of a draft general comment that would address issues relating to reservations made upon ratification or accession to the Covenant or the Optional Protocol thereto. It further noted that a revised draft would be considered by the working group for consideration by the Committee at its fifty-second session."

72. Mrs. HIGGINS proposed that the last sentence of paragraph 3, as proposed by the Rapporteur, should be amended in the following manner: "Optional Protocol" should become "Optional Protocols", and the words "or in relation to declarations under article 41 of the Covenant" should be added after the word "thereto".

73. Chapter VI (renumbered chapter VII) was adopted, with the new texts to be inserted and the proposed amendments.

The meeting rose at 6 p.m.